

— OSHA - Occupational Safety & Health —
Act

147475



SHAW-WALKER

Third Cut #823R

Summary

Occupational Injuries and Illnesses

Establishment Name and Address:

*Chemical Service Corp.**128 Locust St.
Elyria, Ohio*

Injury and Illness Category		Fatalities	Lost Workday Cases			Nonfatal Cases Without Lost Workdays*	
			Number of Cases	Number of Cases Involving Permanent Transfer to Another Job or Termination of Employment	Number of Lost Workdays	Number of Cases	Number of Cases Involving Transfer to Another Job or Termination of Employment
Code 1	Category 2	3	4	5	6	7	8
10	Occupational Injuries	0	0	0	0	0	0
21	Occupational Illnesses Occupational Skin Diseases or Disorders	0	0	0	0	0	0
22	Dust diseases of the lungs (pneumoconioses)	0	0	0	0	0	0
23	Respiratory conditions due to toxic agents	0	0	0	0	0	0
24	Poisoning (systemic effects of toxic materials)	0	0	0	0	0	0
25	Disorders due to physical agents (other than toxic materials)	0	0	0	0	0	0
26	Disorders due to repeated trauma	0	0	0	0	0	0
29	All other occupational illnesses	0	0	0	0	0	0
	Total—occupational illnesses (21-29)	0	0	0	0	0	0
	Total—occupational injuries and illnesses	0	0	0	0	0	0

*Nonfatal Cases Without Lost Workdays—Cases resulting in: Medical treatment beyond first aid, diagnosis of occupational illness, loss of consciousness, restriction of work or motion, or transfer to another job (without lost workdays).

Summary

Occupational Injuries and Illnesses

Every employer is required to prepare a summary of the occupational injury and illness experience of the employees in each of his establishments at the end of each year within one month following the end of that year. The summary must be posted in a place accessible to the employees. The form on the reverse of this sheet is to be used.

Before preparing the summary, review the log to be sure that entries are correct and each case is included in only one of the classes identified by columns 8, 9, and 11. If an employee's loss of work days is continuing at the time the summary is being made, estimate the number of future work days he will lose and add that estimate to the work days he has already lost and include this total in the summary. No further entries need be made with respect to such cases in the next summary.

Occupational injuries and the seven categories of occupational illness are to be summarized separately. Identify each case by the code in column 7 of the log of occupational injuries and illnesses.

The summary from the log is made as follows (for occupational injuries, code 10—follow the same procedure for each of the illness categories):

Fatalities. For cases with code 10 in column 7, count the number of entries (date of death) in column 8.

Lost Workday Cases, Number of Cases. For cases with code 10 in column 7, count the number of entries in column 9.

Number of Cases Involving Transfer or Termination. For cases with code 10 in column 7, count the number of check marks in column 10.

Number of Lost Workdays. For cases with code 10 in column 7, add the entries (lost workdays) in column 9.

Nonfatal Cases Without Lost Workdays, Number of Cases. For cases with code 10 in column 7, count the checks in column 11.

Number of Cases Involving Transfer or Termination. For cases with code 10 in column 7, count the checks in column 12.

Total each column for occupational illnesses and then, on the last line for occupational injuries and illnesses combined.

Compare the sum of entries in the total line for columns 3, 4, and 7 with the total number of cases on the log. If the summary has been made correctly, they will match.

LOG OF OCCUPATIONAL INJURIES AND ILLNESSES

Each recordable occupational injury and occupational illness must be entered on a log of cases (OSHA Form No. 100) within two working days of receiving information that a recordable case has occurred. Logs must be kept current and retained for five (5) years following the end of the calendar year to which they relate.

Logs are to be maintained for three purposes:

1) Logs for the prior five (5) year period must be available in the establishment without delay and at reasonable times for examination by representatives of the Department of Labor or the Department of Health, Education and Welfare, or States accorded jurisdiction under the Act.

2) The log will be used in preparing the annual summary of Occupational Injuries and Illnesses (OSHA Form No. 102) which must be posted in every establishment.

3) Those establishments selected to participate in a statistical program will be required to prepare a report based on entries in this log.

In addition, the log will aid you in reviewing the occupational injury and illness experience of your employees.

INSTRUCTIONS FOR COMPLETING LOG OF OCCUPATIONAL INJURIES AND ILLNESS (OSHA Form No. 100)

Column 1 - CASE OR FILE NUMBER

Any number may be entered which will facilitate comparison with supplementary records.

Column 2 - DATE OF INJURY OR ILLNESS

For occupational injuries enter the date of the work accident which resulted in injury. For occupational illnesses enter the date of initial diagnosis of illness, or, if absence occurred before diagnosis, the first day of the absence in connection with which the case was diagnosed.

Column 3 - EMPLOYEE'S NAME

Column 4 - OCCUPATION

Enter the occupational title of the job to which the employee was assigned at the time of injury or illness. In the absence of a formal occupational title, enter a brief description of the duties of the employee.

Column 5 - DEPARTMENT

Enter the name of the department to which employee was assigned at the time of injury or illness, whether or not employee was actually working in that department at the time. In the absence of formal department titles, enter a brief description of normal workplace to which employee is assigned.

Column 6 - NATURE OF INJURY OR ILLNESS AND PART(S) OF BODY AFFECTED

Enter a brief description of the injury or illness and indicate the part or parts of body affected. Where entire body is affected, the entry "body" can be used.

Column 7 - INJURY OR ILLNESS CODE

Enter the one code which most accurately describes the nature of injury or illness. A list of codes appears at the bottom of the log. A more complete description of occupational injuries and illnesses appears below in "definitions."

Column 8 - FATALITIES

If the occupational injury or illness resulted in death, enter date of death.

Column 9 - LOST WORKDAYS

Enter the number of days the employee would have worked but could not because of occupational injury or illness. The number of lost workdays should not include the day of injury. The number of days includes all days (consecutive or not) on which, because of the injury or illness:

- 1) the employee would have worked but could not, or
- 2) the employee was assigned to a temporary job, or
- 3) the employee worked at a permanent job less than full time, or
- 4) the employee worked at a permanently assigned job but could not perform all duties normally assigned to it.

For employees not having a regularly scheduled shift, i.e., certain truck drivers, construction workers, farm labor, casual labor, part-time employees, etc., it may be necessary to estimate the number of lost workdays. Estimates of lost workdays shall be based on prior work history of the employee AND days worked by employees, not ill or injured, working in the department and/or occupation of the ill or injured employee.

Column 10 - PERMANENT TRANSFER TO ANOTHER JOB OR TERMINATION OF EMPLOYMENT AFTER LOST WORKDAYS

Complete only if the employee did not return to his previous assignment after lost workdays.

Column 11 - NONFATAL CASES WITHOUT LOST WORKDAYS

Enter a check in Column 11 for all cases of occupational injury or illness, which did not involve fatalities or lost workdays but did result in:

- Transfer to another job or termination of employment, or
- Medical treatment, other than first aid, or
- Diagnosis of occupational illness, or
- Loss of consciousness, or
- Restriction of work or motion, enter a check in Column 11.

Column 12 - TRANSFER TO ANOTHER JOB OR TERMINATION OF EMPLOYMENT WITHOUT LOST WORKDAYS

If the check in Column 11 represented a transfer to another job or termination of employment with no lost workdays, enter another check in Column 12.

INITIALING REQUIREMENT

Each line entry regarding an occupational injury or illness MUST BE INITIALED in the right hand margin by the person responsible for the accuracy of the entry. Changes in an entry also must be initialed in the affected column.

CHANGES IN EXTENT OF OR OUTCOME OF INJURY OR ILLNESS

If there is a change in an occupational injury or illness case which affects entries in Columns 9, 10, 11, or 12, the first entry should be lined out and a new entry made. For example, if an injured employee at first required only medical treatment but later lost workdays, the check in Column 11 should be lined out and the number of lost workdays entered in Column 9.

In another example, if an employee with an occupational illness lost workdays, returned to work, and then died of the illness, the workdays noted in Column 9 should be lined out and the date of death entered in Column 8.

An entry may be lined out if later found to be a non-occupational injury or illness.

RECORDKEEPING REQUIREMENTS

Regulations issued under the Occupational Safety and Health Act of 1970 require all establishments subject to the Act to maintain records of recordable occupational injuries and illnesses occurring on or after July 1, 1971. Such records must consist of: a) a log of occupational injuries and illnesses; b) a supplementary record of each occupational injury and illness; and c) an annual summary of occupational injuries and illnesses.

Recordkeeping requirements under the Occupational Safety and Health Act may differ from your State workmen's compensation requirements. Please review the definitions contained in this form to be sure that records are being maintained for all recordable cases.

DEFINITIONS

OCCUPATIONAL INJURY is any injury such as a cut, fracture, sprain, amputation, etc., which results from a work accident or from exposure in the work environment.

OCCUPATIONAL ILLNESS of an employee is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with his employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact, and which can be included in the categories listed below.

The following listing gives the categories of occupational illnesses and disorders that will be utilized for the purpose of classifying recordable illnesses. The identifying codes are those to be used in Column 7 of the log. For purposes of information, examples of each category are given. These are typical examples, however, and are not to be considered to be the complete listing of the types of illnesses and disorders that are to be counted under each category.

- (21) Occupational Skin Diseases or Disorders
Examples: Contact dermatitis, eczema, or rash caused by primary irritants and sensitizers or poisonous plants; oil acne; chrome ulcers; chemical burns or inflammations; etc.
- (22) Dust Diseases of the Lungs (Pneumoconioses)
Examples: Silicosis, asbestosis, coal worker's pneumoconiosis, byssinosis, and other pneumoconioses.
- (23) Respiratory Conditions Due to Toxic Agents
Examples: Pneumonitis, pharyngitis, rhinitis or acute congestion due to chemicals, dusts, gases, or fumes; farmer's lung; etc.
- (24) Poisoning (Systemic Effects of Toxic Materials)
Examples: Poisoning by lead, mercury, cadmium, arsenic, or other metals, poisoning by carbon monoxide, hydrogen sulfide or other gases; poisoning by benzol, carbon tetrachloride, or other organic solvents; poisoning by insecticide sprays such as parathion, lead arsenate; poisoning by other chemicals such as formal-

dehyde, plastics and resins, etc.

- (25) Disorders Due to Physical Agents (Other Than Toxic Materials)
Example: Heatstroke, sunstroke, heat exhaustion and other effects of environmental heat; freezing, frostbite and effects of exposure to low temperatures; caisson disease; effects of ionizing radiation (isotopes, X-rays, radium); effects of nonionizing radiation (welding flash, ultraviolet rays, microwaves, sunburn), etc.
- (26) Disorders Due to Repeated Trauma
Examples: Noise-induced hearing loss; synovitis, tenosynovitis, and bursitis; Raynaud's phenomena; and other conditions due to repeated motion, vibration or pressure.
- (29) All Other Occupational Illnesses
Examples: Anthrax, brucellosis, infectious hepatitis, malignant and benign tumors, food poisoning, histoplasmosis, coccidioidomycosis, etc.

RECORDABLE OCCUPATIONAL INJURIES AND ILLNESSES are any occupational injuries or illnesses which result in:

- 1) FATALITIES, regardless of the time between the injury and death, or the length of the illness; or
- 2) LOST WORKDAYS CASES, other than fatalities that result in lost workdays; or
- 3) NONFATAL CASES WITHOUT LOST WORKDAYS, which result in transfer to another job or termination of employment, or require medical treatment (as defined below), or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

MEDICAL TREATMENT includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does NOT include first aid treatment (one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care) even though provided by a physician or registered professional personnel.

ESTABLISHMENT: A single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities operated from the same physical location as a lumber yard), each activity shall be treated as a separate establishment.

For firms engaged in activities such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, which may be physically dispersed, records may be maintained at a place to which employees report each day.

Records for personnel who do not primarily report or work at a single establishment, such as traveling salesmen, technicians, engineers, etc., shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

WORK ENVIRONMENT is comprised of the physical location, equipment, materials processed or used, and the kinds of operations performed by an employee in the performance of his work, whether on or off the employer's premises.

SUPPLEMENTARY RECORD OF OCCUPATIONAL INJURIES AND ILLNESSES

To supplement the Log of Occupational Injuries and Illnesses (OSHA No. 100), each establishment must maintain a record of each recordable occupational injury or illness. Workmen's compensation, insurance, or other reports are acceptable as records if they contain all facts listed below or are supplemented to do so. If no suitable report is made for other purposes, this form (OSHA No. 101) may be used or the necessary facts can be listed on a separate plain sheet of paper. These records must also be available in the establishment without delay and at reasonable times for examination by representatives of the Department of Labor and the Department of Health, Education and Welfare, and States accorded jurisdiction under the Act. The records must be maintained for a period of not less than five years following the end of the calendar year to which they relate.

Such records must contain at least the following facts:

- 1) *About the employer*—name, mail address, and location if different from mail address.
- 2) *About the injured or ill employee*—name, social security number, home address, age, sex, occupation, and department.
- 3) *About the accident or exposure to occupational illness*—place of accident or exposure, whether it was on employer's premises, what the employee was doing when injured, and how the accident occurred.
- 4) *About the occupational injury or illness*—description of the injury or illness, including part of body affected; name of the object or substance which directly injured the employee; and date of injury or diagnosis of illness.
- 5) *Other*—name and address of physician; if hospitalized, name and address of hospital; date of report; and name and position of person preparing the report.

SEE DEFINITIONS ON THE BACK OF OSHA FORM 100.

Supplementary Record of Occupational Injuries and Illnesses

EMPLOYER

1. Name _____
2. Mail address _____
(No. and street) (City or town) (State)
3. Location, if different from mail address _____

INJURED OR ILL EMPLOYEE

4. Name _____ Social Security No. _____
(First name) (Middle name) (Last name)
5. Home address _____
(No. and street) (City or town) (State)
6. Age _____ 7. Sex: Male _____ Female _____ (Check one)
8. Occupation _____
(Enter regular job title, *not* the specific activity he was performing at time of injury.)
9. Department _____
(Enter name of department or division in which the injured person is regularly employed, even though he may have been temporarily working in another department at the time of injury.)

THE ACCIDENT OR EXPOSURE TO OCCUPATIONAL ILLNESS

10. Place of accident or exposure _____
(No. and street) (City or town) (State)
If accident or exposure occurred on employer's premises, give address of plant or establishment in which it occurred. Do not indicate department or division within the plant or establishment. If accident occurred outside employer's premises at an identifiable address, give that address. If it occurred on a public highway or at any other place which cannot be identified by number and street, please provide place references locating the place of injury as accurately as possible.
11. Was place of accident or exposure on employer's premises? _____ (Yes or No)
12. What was the employee doing when injured? _____
(Be specific. If he was using tools or equipment or handling material, name them and tell what he was doing with them.)
13. How did the accident occur? _____
(Describe fully the events which resulted in the injury or occupational illness. Tell what happened and how it happened. Name any objects or substances involved and tell how they were involved. Give full details on all factors which led or contributed to the accident. Use separate sheet for additional space.)

OCCUPATIONAL INJURY OR OCCUPATIONAL ILLNESS

14. Describe the injury or illness in detail and indicate the part of body affected. _____
(e.g.: amputation of right index finger at second joint; fracture of ribs; lead poisoning; dermatitis of left hand, etc.)
15. Name the object or substance which directly injured the employee. (For example, the machine or thing he struck against or which struck him; the vapor or poison he inhaled or swallowed; the chemical or radiation which irritated his skin; or in cases of strains, hernias, etc., the thing he was lifting, pulling, etc.) _____
16. Date of injury or initial diagnosis of occupational illness _____
(Date)
17. Did employee die? _____ (Yes or No)

OTHER

18. Name and address of physician _____
19. If hospitalized, name and address of hospital _____
Date of report _____ Prepared by _____
Official position _____

Recordkeeping Requirements

under the

**Williams-Steiger Occupational Safety and
Health Act of 1970.**



U.S. DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Employers:

On December 29, 1970, the President signed into law the Williams-Steiger Occupational Safety and Health Act of 1970, which became effective April 28, 1971. The purpose of this landmark legislation is to assure safe and healthful working conditions for the nation's wage earners.

The law provides that each employer has the basic duty to furnish his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.

Although this duty is one which employers have long accepted as a moral obligation inherent in the conduct of their business, the Williams-Steiger Act places specific responsibilities on each employer and subjects him to penalties if he fails to discharge them.

It is important that each employer be aware of these specific responsibilities. We urge you to review the contents of this booklet that you may know and respond to your obligations under this new Act. Included are a guide to the provisions of the Act, regulations and forms for injury and illness records to be kept from July 1 on, and a poster which must be prominently displayed in your establishment.

Safe and healthful working conditions are a goal worthy of the best efforts of employers, employees and all levels of government. This new law confirms the Federal commitment to this goal and we are ready to do our part. I am confident that the American business community fully shares in this commitment and will also work actively to provide safe and healthful employment to employees.



Secretary of Labor

INTRODUCTION

This booklet contains important information regarding the recordkeeping responsibilities of employers under the Williams-Steiger Occupational Safety and Health Act of 1970.

Beginning July 1, 1971 every employer who is covered under this Act must keep occupational injury and illness records for his employees in the establishment at which his employees usually report to work.

Every employer must maintain in each establishment :

- a log of recordable occupational injuries and illnesses, and
- supplementary records of each occupational injury or illness.

Every employer must keep the records up to date, have them available to government representatives, and post a summary of all occupational injuries and illnesses at the conclusion of the calendar year. In addition, employers must report to the Secretary of Labor within 48 hours each accident or health hazard that results in one or more fatalities or hospitalization of five or more employees.

The forms necessary to keep these records are contained in this booklet. Instructions for completing the forms are printed on the back of each form. Additional forms are available from the regional offices of the Bureau of Labor Statistics or the Occupational Safety and Health Administration. Their addresses are printed on the inside of the back cover. Request forms are available on the last page in this booklet.

Posting Requirement: The law requires that employees be informed of the job safety and health protection provided under the Act. The centerfold of this booklet is a poster which must be posted in a prominent place in the establishment to which the employees usually report to work. The poster briefly states the intent and coverage of the Act and the responsibilities of employers and employees to maintain safe and healthful working conditions.

Exclusions: Employers whose employees' occupational injuries and illnesses are required to be recorded under the following Federal Statutes:

(1) Federal Coal Mine Health and Safety Act (30 U.S.C. 821) (a) and (b) ;
and

(2) Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 732)
are not required to comply with the recordkeeping requirements under the Occupational Safety and Health Act (OSHA), to the extent that so complying would result in duplicating information.

Section 24 of the Occupational Safety and Health Act provides for a broad statistical program which extends even to employers to whom the Act's enforcement provisions do not apply. Therefore, the fact that an employer must comply with the recordkeeping and reporting provisions under OSHA does not necessarily mean that he would be subject to the enforcement provisions of OSHA.

Additional information about the responsibilities of employers and employees under the Occupational Safety and Health Act can be found in the summary of the Act, which follows.

A HANDY REFERENCE GUIDE TO THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

PURPOSE OF THE LAW

The declared Congressional purpose and policy of the Act is "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

COVERAGE

The provisions of the law apply to every employer engaged in a business affecting commerce who has employees. The law applies in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, the Outer Continental Shelf Lands, Johnston Island, and the Canal Zone. Federal, State and local government employees are specifically excluded from coverage, but they may be covered by equally effective requirements. See Section 19 for programs covering Federal employees and Section 18(c) (6) for potential coverage of State and local government employees.

In addition, the Act specifically provides that its terms shall not apply to working conditions protected under other Federal occupational safety and health laws (such as those under the Federal Coal Mine Health and Safety Act; and under the Atomic Energy Act of 1954, as amended, including State agreements under that Act).

DUTIES OF EMPLOYERS AND EMPLOYEES

Each *employer* under the Act has the general duty to furnish each of his employees employment and places of employment, free from recognized hazards causing, or likely to cause, death or serious physical harm; and the employer has the specific duty of complying with safety and health standards promulgated under the Act. Each *employee* has the duty to comply with these safety and health standards, and all rules, regulations, and orders issued pursuant to the Act which are applicable to his own actions and conduct.

The Act takes effect on April 28, 1971.

ADMINISTRATION

Administration and enforcement of the Act are vested primarily in the Secretary of Labor and in a

new agency. The Occupational Safety and Health Review Commission, a quasi-judicial board of three members appointed by the President. Research and related functions are vested in the Secretary of Health, Education and Welfare whose functions will, for the most part, be carried out by the new National Institute for Occupational Safety and Health established within HEW.

The Secretary of Labor is responsible for both promulgating and enforcing job safety and health standards. Occupational safety and health inspections will be made by inspectors located in offices to be established in many communities throughout the country.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

In general, job safety and health standards consist of rules for avoidance of hazards which have been proven by research and experience to be harmful to personal safety and health. They constitute an extensive compilation of wisdom which sometimes applies to *all* employees. An example of this would be fire protection standards. A great many standards, however, apply only to workers while engaged in *specific types of work*—such as handling compressed gases.

Two of the many thousands of occupational safety and health standards are listed here to familiarize covered employers and employees with the form of such standards:

One typical standard.—Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

Another typical standard.—In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbit metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles

It is the obligation of all employers and employees to familiarize themselves with those standards which apply to them and to observe them at all times.

The Act authorizes the Secretary of Labor until April 28, 1973, to promulgate as occupational safety and health standards any existing Federal Standards (such

as those presently applying to Federal contractors under the Walsh-Healey Act) or any national consensus standards (such as those issued by the National Fire Protection Association). He may do this without complying with the rule-making requirements of the Administrative Procedure Act.

In addition, the Secretary of Labor may, upon the basis of information submitted by the Secretary of Health, Education and Welfare, advisory committees and others, revise, modify or revoke existing standards as well as promulgate new ones. The promulgation of standards under this section of the Act must be done under the procedures set forth in the section itself, including various time limitations, and also under the procedures of the Administrative Procedure Act. Any person adversely affected by a standard issued by the Secretary may challenge its validity by petitioning the United States Court of Appeals within 60 days after its promulgation. Unless otherwise ordered by the Court, filing such a petition does not operate as a stay of the standard.

Also, the Act provides for the establishment of emergency temporary standards, effective immediately upon publication in the Federal Register, where it is found that employees are exposed to grave danger. The Act also contains provision for standards which may require:

- That no employee dealing with toxic materials or harmful physical agents will suffer material impairment of health or functional capacity, even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.
- Development and prescription of labels or other appropriate forms of warning so that employees are made aware of all hazards to which they are exposed.
- Prescription of suitable protective equipment.
- Monitoring or measuring employee exposure to hazards at such locations and intervals and in such manner as may be necessary for the protection of employees.
- Prescription of the type and frequency of medical examinations or other tests for employees exposed to health hazards. At the request of an employee, the examination or test results shall be furnished to his physician.

The Secretary, after a hearing on an employer application therefor, is authorized to grant temporary variances from standards to give the employer sufficient time to come into compliance if he can show a need for certain time-extension and has a protec-

tive plan of action. Variances may be granted without time limits if the Secretary finds that an employer is using safety measures which are as safe as those required in a standard. Affected employees shall be given notice of each such application and an opportunity for hearing.

COMPLAINTS OF VIOLATIONS

Any employees (or representative thereof) who believe that a violation of a job safety or health standard exists which threatens physical harm, or that an imminent danger exists, may request an inspection by sending a signed written notice to the Department of Labor. Such a notice shall set forth with reasonable particularity the grounds for the notice and a copy shall be provided the employer or his agent. The names of the complainants need not, however, be furnished to the employer. If the Secretary finds no reasonable grounds for the complaint and a citation is not issued, the Secretary is required to notify the complainants in writing of his determinations or final disposition of the matter. Also, the Secretary is required to set up procedures for informal review in a case where a citation is not issued.

ENFORCEMENT

In enforcing the standards, Labor Department safety inspectors may enter without delay, and at any reasonable times, any establishment covered by the Act to inspect the premises and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer, owner, operator, agent or employee. The Act permits the employer and a representative authorized by his employees to accompany the inspector during the physical inspection of any workplace for the purpose of aiding such inspection. The Secretary of Labor also has power, in making inspections and investigations under the Act, to require the attendance and testimony of witnesses and the production of evidence under oath. The Secretary of Health, Education and Welfare is also authorized to make inspections and question employers and employees in order to carry out those functions assigned to HEW under the Act.

Where an investigation reveals a violation, the employer is issued a written citation describing the specific nature of the violation. All citations shall fix a reasonable time for abatement of the violation and each citation (or copies thereof) issued by the Department must be prominently posted at or near each

place where a violation referred to in the citation occurred. Notices, in lieu of citations, may be issued for de minimis violations which have no direct or immediate relationship to safety or health.

No citation may be issued after the expiration of six (6) months following the occurrence of any violation.

Notification of Proposed Penalty

Within a reasonable time after issuance of a citation for a job safety or health violation, the Labor Department shall notify the employer by certified mail of the penalty, if any, which is proposed to be assessed. The employer then has 15 working days within which to notify the Department that he wishes to contest the citation or proposed assessment of penalty. If the employer fails to notify the Department within such time that he intends to contest the citation or proposed assessment of penalty, the citation and the assessment shall be final, provided no employee files an objection to the time allowed for abatement (see *below* "Time for Abatement of Hazards"). If the employer notifies the Department within such time that he does wish to contest, the Secretary of Labor will so advise the Occupational Safety and Health Review Commission and the Commission shall afford an opportunity for a hearing. The Commission then will issue orders affirming, modifying or vacating the citation or proposed penalty. Orders of the Commission are final 30 days after issuance. Review of Commission orders may be obtained in the United States Court of Appeals.

The Review Commission's rules of procedure shall provide affected employees (or representatives thereof) an opportunity to participate as parties to hearings under Section 10(c).

Time for Abatement of Hazards

A citation issued by the Department shall prescribe a reasonable time for elimination or abatement of the hazard. This time limit may also be contested if notification of such is filed with the Department within 15 days. The time set by the Department for correcting a violation shall not begin to run until there is a final order of the Review Commission, if the review is initiated by the employer in good faith and not solely for delay or avoidance of penalties.

Employees (or representatives of employees) also have the right to object to the period of time fixed in the citation for the abatement of a violation. If, within 15 days after a citation is issued, an employee files a

notice with the Department alleging that an unreasonable time was allowed for abatement, review procedures similar to those specified above apply.

Failure to Correct Violation Within Allowed Time

Where time for correction of a violation is allowed, but the employer fails to abate within such time, the Secretary of Labor shall notify the employer by certified mail of such failure and of the proposed penalty. Such notice and assessment shall be final unless the employer contests the same by notice to the Secretary within 15 days.

Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, but that abatement has not been completed because of factors beyond his reasonable control, an opportunity for a hearing will be afforded, after which an order affirming or modifying the abatement requirement will be issued.

PENALTIES FOR VIOLATIONS

Willful or repeated violations of the Act's requirements by employers may incur monetary penalties of up to \$10,000 for each violation. Citations issued for serious violations incur *mandatory* monetary penalties of up to \$1,000 for each violation, while penalties in the same amount *may* be incurred where non-serious violations are cited. A serious violation exists where there is a substantial probability that death or serious physical harm could result. Any employer who fails to correct a violation for which a citation has been issued within the period prescribed therein may be penalized up to \$1,000 each day the violation persists.

A willful violation by an employer which results in the death of any employee is punishable by a fine of up to \$10,000 or imprisonment for up to six months. A second conviction doubles these criminal penalties.

Criminal penalties are also included in the Act for making false official statements and for giving unauthorized advance notice of any inspections to be conducted under the Act.

RECORDKEEPING REQUIREMENTS

In order to carry out the purposes of the Act employers are required to keep and make available to the Labor Secretary (and also to the HEW Secretary) records on certain employer activities under the Act.

Employers are also required to maintain accurate records (and periodic reports) of work-related deaths, injuries and illnesses. Minor injuries requiring only first aid treatment need not be recorded, but a record must be made if it involves medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

Employers can also be required to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under Section 6(b)(7), and to promptly advise any employee of any excessive exposure and of the corrective action being undertaken. The Secretary of Labor, in cooperation with the Secretary of Health, Education and Welfare, is authorized by the law to issue regulations in this area which shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, to have access to the records thereof and to such records as will indicate their own exposure to toxic materials or harmful physical agents.

For recordkeeping purposes, the Secretary's regulations may also require employers to conduct their own periodic inspections.

The Secretary is directed to issue regulations requiring employers to keep their employees informed of their protections and obligations under the law through posting of notices or other appropriate means. The information which employers may be required to give their employees may also include the provisions of applicable standards.

STATISTICS

The Secretary of Labor, in consultation with the HEW Secretary, is required to develop and maintain an effective program of collection, compilation and analysis of statistics on work injuries and illnesses. In so doing he may make private grants or contracts and grants to States or political subdivisions thereof. The Secretary may also require employers to file such reports of work injuries and illnesses required to be kept under the Act as he shall deem necessary.

Existing agreements between the Department of Labor and a State for collection of OSH statistics are preserved under the Act until replaced by other arrangements under grants or contracts made under the Act.

GENERAL NOTICE REQUIREMENT

The Secretary of Labor is required to publish in the Federal Register a statement of his reasons for

any action he takes with respect to the promulgation of any standard, the issuance of any rule, order or decision, the granting of any exemption or extension of time, as well as any action he takes to compromise, mitigate or settle any penalty assessed under the Act.

IMMINENT DANGERS

Any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures, may be restrained by order of a United States district court upon petition of the Secretary of Labor. If the Secretary arbitrarily or capriciously fails to seek action to abate an imminent danger of such kind, a *mandamus* action to compel him to act may be brought in the U.S. district court by any employee who may be injured by reason of such failure. A Labor Department safety inspector who concludes that such imminent-danger conditions or practices exist in any place of employment is obligated to inform the affected employees and employers of the danger and that he is recommending to the Secretary of Labor that relief be sought.

PROTECTION AGAINST HARASSMENT

No person shall discharge or in any manner discriminate against any employee because he exercises any right under the Act or files a complaint or other proceeding or because he testifies or is about to testify in any proceeding under the Act. Any employee who believes that he has been discharged or otherwise discriminated against in violation of this provision may, within 30 days of such illegal action, file a complaint with the Secretary of Labor. The Secretary is authorized to investigate the matter and to bring action in the U.S. district court for appropriate relief, including rehiring or reinstatement of the employee to his former job with back pay. The Secretary must notify the complainant of his action on the complaint within 90 days of its receipt.

STATE PARTICIPATION

The Act encourages the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States for the purposes listed later in this guide. A specific disclaimer of Federal

pre-emption is included in order to permit any State agency or court to assert jurisdiction under State law over any occupational safety or health issue with respect to which no Federal standard is in effect under this law.

In addition, any State may assume responsibility for the development and enforcement of occupational safety and health standards relating to any job safety and health issue covered by a standard promulgated under Section 6 of the OSH Act, if such State submits an approved plan for so doing to the Secretary of Labor. The Secretary shall approve such a plan under the following conditions:

1. An agency, or agencies, of the State must be designated or created to carry out the plan.
2. The State standards (and enforcement thereof) must be at least as effective as the counterpart Federal standards in providing safe and healthful employment.
3. There must be effective provisions for rights of entry and inspection of workplaces, including a prohibition on advance notice of inspections.
4. Enforcement capacity must be demonstrated.
5. Adequate funds for administration and enforcement must be assured.
6. Effective and comprehensive job safety and health programs for all public employees within the State will be established to the extent permitted by the particular State's law.
7. The State, and employers within the State, will make such reports as may be required by the Secretary of Labor.

Following approval of a State plan for the development and enforcement of State standards, the Secretary of Labor may continue to exercise his enforcement authority with respect to comparable Federal OSH standards until he determines on the basis of actual operations that the criteria set forth above are being applied. Once he makes such determination (but he cannot do so during the first 3 years after the plan's approval), the Federal standards and the Secretary's enforcement of them become inapplicable with respect to issues covered under the plan.

However, the Secretary is required to make a continuing evaluation of the manner in which each State plan is being carried out and to withdraw his approval thereof whenever there is a failure to comply substantially with any provision thereof. Such a plan shall cease to be in effect upon receipt of notice by the State of the Secretary's withdrawal of approval.

The Secretary of Labor is authorized, after consul-

tation with the Secretary of Health, Education and Welfare, to make grants to States for experimental and demonstration projects consistent with the objectives of the Act, for administering and enforcing approved programs, for assisting them in identifying their needs, or in developing their plans, in establishing systems for collection of information concerning the nature and frequency of occupational injuries and diseases, for developing and administering programs dealing with occupational safety and health statistics, and otherwise improving the expertise of personnel or the administration and enforcement of State occupational safety and health laws consistent with the objectives of the Act.

If the Secretary of Labor rejects a State plan for development and enforcement of State standards, he shall afford the State submitting the plan due notice and opportunity for hearing before so doing. The subsequent withdrawal of an approved State plan or the rejection of a State's plan is subject to review in the U.S. Courts of Appeals.

The law also permits the Secretary of Labor to enter into an agreement with any State under which the State will be permitted to continue to enforce its own occupational safety and health standards until approval of its plan for development and enforcement of OSH standards or until December 29, 1972, whichever comes first.

EDUCATION AND TRAINING PROGRAMS

The Act provides for programs to be conducted by the Secretary of Labor, in consultation with the Department of Health, Education and Welfare, for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe and unhealthful working conditions, and in the effective means for preventing occupational injuries and illnesses. The Act also makes provision for educational and training programs to provide an adequate supply of qualified personnel to carry out the law's purposes and for informational programs on the importance of and proper use of adequate safety and health equipment to be conducted primarily by the Department of Health, Education and Welfare, but also to some extent by the Secretary of Labor.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

The Act establishes within HEW a new National Institute for Occupational Safety and Health pri-

marily for the purpose of carrying out the research and educational functions assigned to the HEW Secretary under the Act.

In addition to these functions, the Institute is authorized to develop and establish recommended occupational safety and health standards; to conduct research and experimental programs determined by the Institute's Director to be necessary for developing criteria for new and improved job safety and health standards; and to make recommendations to the Secretaries of Labor and HEW concerning new and improved standards.

Among the HEW functions which may be carried out by the Institute is the one which calls for prescribing regulations requiring employers to measure, record, and make reports on the exposure of employees to potentially toxic substances or harmful physical agents which might endanger their safety and health. Employers required to do so may receive full financial or other assistance for the purpose of defraying any additional expense so incurred. Also authorized are programs for medical examinations and tests as may be necessary to determine, for the purposes of research, the incidence of occupational illness and the susceptibility of employees to such illnesses. These examinations may also be at Government expense. Another HEW function will be the annual publication of a list of all known toxic substances and the concentrations at which toxicity is known to occur. There will also be published industry-wide studies on chronic or low-level exposure to a broad variety of industrial materials, processes, and stresses on the potential for illness, disease or loss of functional capacity in aging adults, and also authorized is the making of determinations by HEW, at the written request of any employer or authorized representatives of employees, as to whether any substance normally found in the place of employment has potentially toxic effects. Such determinations shall be submitted to both the employer and the affected employees as soon as possible.

Information obtained by the Departments of HEW and of Labor under the research provisions of the Act is to be disseminated to employers and employees and organizations thereof.

WORKMEN'S COMPENSATION

The Act does not in any manner affect any workmen's compensation law or enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and

employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment. Provision is made in the law, however, for a 15-member National Commission on State Workmen's Compensation Laws to evaluate State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

ASSISTANCE FROM SMALL BUSINESS ADMINISTRATION

The law includes amendments to the Small Business Act which provides for financial assistance to small firms for alterations in its equipment, facilities, or methods of operation to comply with standards established by the Department of Labor or by any State pursuant to the Act if the Small Business Administration determines that such a firm is likely to suffer substantial economic injury without such assistance.

OTHER PROVISIONS

ADVISORY COMMITTEES. The Act creates a 12-member National Advisory Committee to be appointed by the Secretary of Labor (including 4 designees of the Secretary of HEW) to advise, consult, and make recommendations on matters relating to the administration of the Act, and permits the establishment of *ad hoc* advisory committees to assist the Secretary in his standard-setting functions.

NON-OBSTRUCTION REQUIREMENT. Any information obtained by any agency under the Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION. The Act establishes a new independent Federal agency, called the Occupational Safety and Health Review Commission. This Commission is a quasi-judicial body whose functions are: (1) to hear and review cases of alleged violations brought before it by the Secretary of Labor; and, where warranted, (2) to issue corrective orders, and (3) to assess civil penalties. The Commission is to be composed of three members, appointed by the President (with the approval of the Senate) to serve six-year staggered terms. The members will be chosen from among persons who are qualified by reason of training, education, or experience to perform their

duties. One of the members shall be appointed by the President to serve as Chairman.

LABOR DEPARTMENT LEGAL REPRESENTATION. The Solicitor of Labor is authorized to appear for and represent the Secretary in any civil litigation brought under the Act subject to the direction and control of the Attorney General.

TRADE SECRETS. Any trade secrets revealed to Labor Department personnel during the course of their duties under the Act shall be considered confidential for the purpose of 18 USC 1905.

NATIONAL DEFENSE TOLERANCES. The Secretary of Labor may allow reasonable variations, tolerances, and exemptions from any and all of the Act's provisions, if he finds these necessary to avoid serious impairment of the national defense.

FEDERAL PROTECTION FOR LABOR DEPARTMENT INSPECTORS. The Act broadens the provisions of Title 18 of the United States Code, which make it a Federal Criminal offense to assault, kill or otherwise interfere with certain law enforcement officials in the course of their assignments, by extending this protection to all employees of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions.

ANNUAL REPORTS. Comprehensive annual reports on the Act must be prepared and submitted to

the President for transmittal to the Congress by both the Secretary of Labor and the Secretary of Health, Education and Welfare. Reports are also required from the Secretary of Labor on the grants program, from the Director of the National Institute for Occupational Safety and Health on the operations of that Institute, and from the Secretary of Labor on OSH programs for Federal employees.

NEW ASSISTANT SECRETARY OF LABOR. The law adds an additional Assistant Secretary in the Department of Labor to head the new Occupational Safety and Health organization within the Department.

APPROPRIATIONS AUTHORITY. Congress has authorized such funds to be appropriated to administer and enforce this law as Congress shall from time to time deem necessary.

ADDITIONAL INFORMATION

Additional information concerning this law may be obtained by contacting the Acting Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, with appropriate jurisdiction, or you may contact the Office of Information Services, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

REQUEST FOR ADDITIONAL FORMS

The regulations under the Occupational Safety and Health Act require that records be maintained in each establishment. Firms with multiple establishments may need additional copies of this booklet or forms; if so, please indicate number needed on the form below.

Number
Needed

-----Recordkeeping Booklets

Individual Forms May be Ordered Separately

-----Log of Occupational Injuries and Illnesses
(OSHA Form 100)

-----Supplementary Record of Occupational Injuries and Illnesses
(OSHA Form 101)

-----Summary, Occupational Injuries and Illnesses
(OSHA Form 102)

-----Poster: Safety and Health Protection on the Job

Please send this order to the Regional Office for your area. See inside back cover for address. Complete reverse side of this form for a return mailing label.

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MR. EMPLOYER: Beginning July 1, 1971 you are required by law to keep new records of occupational injuries and illnesses. This booklet contains the information and forms needed to maintain these records.

NOTE: Remove staples carefully to avoid damaging the poster and recordkeeping forms.